

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

RICHARD C. TRIANO,

Plaintiff,

-against-

07 CIV. 67 10

THE TOWN OF HARRISON and THE
TOWN OF HARRISON POLICE
DEPARTMENT,

BRIANT

Defendants.

-----X

DEFENDANTS' NOTICE OF REMOVAL

Pursuant to 28 U.S.C. 1441 *et. seq.* and Local Rule 81.1(b), defendants, The

TOWN OF HARRISON and TOWN OF HARRISON POLICE DEPARTMENT,

("Defendants") hereby give notice of the removal of a civil action entitled:

-----X

RICHARD C. TRIANO,

Plaintiff,

-against-

THE TOWN OF HARRISON and
THE TOWN OF HARRISON POLICE DEPARTMENT,

Defendants.

-----X

from the Supreme Court of the State of New York, County of Westchester, Index

No.11819/07 to the United States District Court for the Southern District of New York.

FILED
U.S. DISTRICT COURT
2007 JUL 26 A 8:34
S.D. OF N.Y. WEST

The grounds for removal are that the instant matter raises questions of Federal law.

As alleged in the Summons with Notice filed in Supreme Court of the State of New York, County of Westchester, the plaintiff has asserted that the defendants have violated his civil rights. Specifically, the Plaintiff has alleged that the nature of his action involves claims for “false arrest and detainment, malicious prosecution, violation of civil rights and personal injuries sustained by the Plaintiff caused by the Town of Harrison, its servants and/or employees and by the actions of the Town of Harrison Police Department. As jurisdiction under 28 USC §1331, 1343 and 42 USC §1983 lies in the Federal Court for claims alleging violations of Civil Rights, removal is proper.

The removal of the action from State Court is timely. The Town Attorney’s Office was served with the Summons with Notice on June 29, 2007. Thereafter, on July 9, 2007, the Defendants served a Notice of Appearance and a Demand for a Complaint. The instant notice of removal is being made within 30 days of receipt of the pleadings.

No jury demand was made in the State Court prior to removal.

A copy of the Summons with Notice and the Notice of Appearance and Demand for a Complaint is appended to this Notice of Removal.

Pursuant to Local Rule 81.1(b), within twenty days after the service of this

Notice of Removal the defendants will file a copy of all records and proceedings of the State Court with the clerk of this Court.

Dated: Lake Success, New York
July 25, 2007

FRIEDMAN, HARFENIST, LANGER & KRAUT
Attorneys for Defendants
3000 Marcus Avenue
Suite 2E1
Lake Success, New York 11042
516-775-5800

By: 

Neil Torczyner

To: Thomas F. Fanelli, Jr. Esq.
175 Main Street, Suite 314
White Plains, New York 10601

COPY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
RICHARD C. TRIANO,

Plaintiff,

-against-

THE TOWN OF HARRISON and
THE TOWN OF HARRISON POLICE DEPARTMENT,
Defendants

Index No. 11819/2007
Date Summons Filed:

Plaintiff designates
Westchester County
as the place of trial

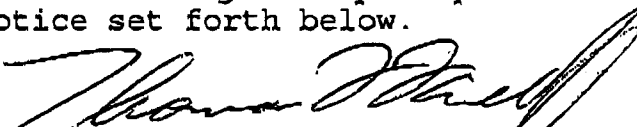
SUMMONS WITH NOTICE

Plaintiff resides at
129 East Columbus Avenue
East White Plains, NY 10604

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To the above named Defendants:

YOU ARE HEREBY SUMMONED to serve a notice of appearance on Plaintiff's Attorneys within twenty (20) days after the service of this summons, exclusive of the day of service) or within (30) days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear, judgment will be taken against you by default for the relief demanded in the notice set forth below.

Dated June 29, 2007


Thomas F. Fanelli, Jr., Esq.
Attorney for Plaintiff
175 Main Street, Suite 314
White Plains, NY 10601
(914) 948-8700 FAX 914-948-8796

NOTICE: The nature of this action is recover for false arrest and detainment, malicious prosecution, violation of civil rights and personal injuries sustained by the Plaintiff caused by the TOWN OF HARRISON, its servants and/or employees and by the actions of the TOWN OF HARRISON POLICE DEPARTMENT.

The relief sought is a monetary judgement in the amount of FIVE MILLION and no/100s (\$5,000,000.00) DOLLARS and such other further relief as the Court may deem just and proper.

RECEIVED
TOWN OF HARRISON, NY
JUN 29 P 3:28

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
RICHARD C. TRIANO,

Plaintiffs,

- against -

THE TOWN OF HARRISON and THE TOWN
OF HARRISON POLICE DEPARTMENT,
Defendants.
-----X

INDEX NO. 11819/07

NOTICE OF
APPEARANCE AND
DEMAND FOR
COMPLAINT

PLEASE TAKE NOTICE, that the undersigned have been retained by
and appear for the Defendants in this action and demand that a copy of the
complaint and all notices and other papers therein be served on us at our
offices located at 3000 Marcus Avenue, Lake Success, Nassau County, New
York.

Dated: Lake Success, New York
July 9, 2007

FRIEDMAN, HARFENIST, LANGER & KRAUT
3000 Marcus Avenue
Suite 2E1
Lake Success, New York 11042
(516) 775-5800

By: 

Neil Torczyner

To: Thomas F. Fanelli, Jr. Esq.
175 Main Street, Suite 314
White Plains, New York 10601